

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**DAVID MATSON, BARBARA
MATSON, and YOLANDA GARRET,
individually and on behalf of all others
similarly situated,**

Plaintiffs,

v.

No. SA-19-CV-0717-JKP-RBF

NIBCO INC.,

Defendant.

ORDER REFERING MOTION AND RELATED MATTERS


The Court has under consideration *Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement* (ECF No. 50) and *Notice of Non-party Plaintiffs' Objection to Proposed Class Action Settlement* (ECF No. 54). Because the motion seeks preliminary approval, it at least partially falls within the matters referred to the assigned Magistrate Judge under the Referral Order (ECF No. 10) issued on September 30, 2019. The filed objection should be considered in conjunction with the related motion. No additional referral appears necessary to the extent the motion seeks preliminary approval of settlement and consideration of the noted objection.

The motion, however, also contemplates certifying a settlement class and the setting of a final approval hearing. District judges may not refer motions to dismiss or permit maintenance of a class action for disposition. *See* 28 U.S.C. § 636(b)(1)(A). But such motions may be referred for hearing, proposed findings of fact, and recommendations for disposition. *See id.* § 636(b)(1)(B). Accordingly, in accordance with the authority vested in the United States Magistrate Judge pursuant to Local Rule CV-72, and Appendix C of the Local Rules for the Assignment of Duties to United States Magistrate Judges, and pursuant to § 636(b), the Court refers the noted motion

and all related matters to United States Magistrate Judge Richard B. Farrer for disposition as permitted under § 636(b)(1) or otherwise for report and recommendation. Guided by the statute, applicable law, and his sound discretion, Judge Farrer may dispose of matters referred herein through order or recommendation as warranted.

Of course, upon consent of all parties, a Magistrate Judge “may conduct any or all proceedings” in a civil case, including entry of a final judgment. *See* 28 U.S.C. § 636(c). Accordingly, the parties are reminded that they may, at their option, file a joint consent to proceed before the Magistrate Judge for final settlement approval and entry of judgment. At this stage of the litigation, such a consent may provide a more efficient and expeditious means to resolve the matters remaining in this case. But, as always, such voluntary consent is optional and the decision to consent or not lies completely within each party. Absent further order of the Court based on the filing of a consent for the assigned Magistrate Judge to handle all further matters in this case, this Order controls the referral of the pending motion and related matters.

IT IS SO ORDERED this 4th day of January 2021.


JASON PULLIAM
UNITED STATES DISTRICT JUDGE